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Clerk of the Arizona Supreme Court
1501 West Washington, Suite 402
Phoenix, Arizona 85007

Re: Pending Rule Change Petition R-05-0037

I respectfully request that the Supreme Court require the presence of a certified court reporter in all civil, juvenile, and criminal evidentiary proceedings in Superior Court.

It has been proven throughout the country that the best record of court proceedings is the professional court reporter. With electronic recording comes the issue of unknowns that can be of a monumental nature when dealing with court proceedings of all matters. There is the unknown of whether the recording is functioning properly, the unknown of whether or not an attorney/client privileged conversation is being recorded when it is supposed to be “off the record” because someone forgot to shut off the microphone or stop the recording during a recess, there is the unknown that with the passage of time that the integrity of the recording will not break down or the CD be scratched. Those are just a few of the unknowns.

I don't believe anyone disputes the fact that it sometimes becomes necessary during a proceeding to request that someone repeat an answer or question due to outside noise interfering such as a person coughing or construction work being done. If someone is not there that recognizes the fact that it needs to be clarified for the record, you lose the integrity of the record plus vital information. Further, witnesses will sometimes only nod their head or shake their head in response to questioning, which an electronic recording cannot pick up. If you do not have a court reporter whose sole purpose in that proceeding is the clarity and integrity of the record, the record loses all meaning. People have habits of mumbling their words, accents that are not always immediately understandable, in heated debates people will begin to talk over each other, these are all reasons that a professional court reporter is a key component to all judicial proceedings.

I have personal experience in attempting to transcribe compact disks of courtroom proceedings held both in the FTR and the JAVS courtrooms out of the Maricopa County Superior Court. I can attest that due to the quality of the recording, I have had to use the word "inaudible" on a consistent basis throughout the transcripts because you simply cannot determine what is being. Even if you attempt to isolate a microphone track on the recording, it still is unintelligible. You would never see the word "inaudible" in a transcript produced by a court reporter that was present at the proceeding. I can further attest that on multiple occasions on these recordings that I have been asked to transcribe, the recording was not shut off during a recess and what should have been confidential discussions were recorded and therefore part of the public record. You also get personal conversations between staff on lunch breaks or recesses that do not belong in a transcript and only serves to make more confusing an already bad record.

A court reporter's responsibility is to maintain and provide the best record possible. They provide an unbiased, third-party component to keeping the record. Based on all the statements provided above, I propose that the court reporter is an integral and reliable component in the justice system. With the proposed changing of the rules, the ones who will be hurt the most are the litigants who will suffer at the hands of inadequate records on appeal.

Thank you for your time.

Sincerely yours,

Angela F. Miller, RPR, CR (AZ50127)